

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NORMAN W. BERNSTEIN and PETER M.)
RACHER, AS TRUSTEES OF THE THIRD)
SITE TRUST FUND,)
Plaintiffs,)

vs.)

1:08-cv-0427-RLY-DML


PATRICIA A. BANKERT, individually,)
and in her capacity as Personal)
Representative of the Estate of Jonathan W.)
Bankert, Sr., JONATHAN W. BANKERT,)
JR., GREGORY BANKERT, ROBERT H.)
BANKERT, KATHERINE L. BANKERT,)
CYNTHIA A. RUSSELL, ENVIROCHEM)
CORPORATION, and AUTO OWNERS)
MUTUAL INSURANCE COMPANY,)
Defendants.)

ORDER

Count VII, the Plaintiffs' declaratory judgment count as to insurance coverage against Auto Owners Mutual Insurance Company, is the only claim that remains. On September 29, 2010, the court granted summary judgment in favor of the putative insureds, the Bankerts and Envirochem Corporation, and on February 3, 2011, the court reaffirmed that ruling by denying the Plaintiffs' motion to reconsider Count III. As the court has determined that the putative insureds have no liability in this suit for damages that might be covered by liability insurance, Count VII of Plaintiffs' Complaint against

Auto Owners Mutual Insurance Company is now moot. A final judgment in this case shall issue in a separate document.

SO ORDERED this 3rd day of February 2011.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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